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Jorma Sarja

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EXAMINER

CLARK, MAXWELL A

ART UNIT

PAPER NUMBER

2416

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DELIVERY MODE

01/07/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/510,044	Applicant(s) SARJA ET AL.	
	Examiner MAXWELL A. CLARK	Art Unit 2416	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 October 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to 35 U.S.C. §112, first paragraph have been fully considered and are persuasive. The rejections of claims 9, 17, 26, and 34 have been withdrawn.
2. Applicant's arguments with respect to 35 U.S.C. §112, second paragraph have been fully considered and are persuasive. The rejections of claims 5 and 22 have been withdrawn.
3. Applicant's arguments with respect to 35 U.S.C. §102(e) have been fully considered but they are not persuasive for at least the following reasons: regarding claim 1-10 and 18-27, applicant argues "McGowan does not discuss nor teach the limitation of determining whether binding information is required." In light of the instant arguments, Examiner would like to advise that in telecommunications the term bind merely is "a request to activate a session between two logical units," see Newton's Telecom Dictionary, 22nd Updated and Expanded Edition by Harry Newton. Therefore McGowan clearly discloses this limitation as evident in fig. 3. Furthermore, Applicant's argue that McGowan does not carry out the step wherein the GGSN ascertains whether binding information is required by looking at the access point name provided in the PDP context request and comparing it to a list of APMs that require authorization. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the GGSN ascertains whether binding information is required by looking at the access point

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name provided in the PDP context request and comparing it to a list of APMs that require authorization) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993); regarding claims 11-17 and 28-32 Applicant argues that “claims 33 and 34 are not rejected and presumably allowable.” However, Examiner would like to direct Applicants attention to page 18 of the office action where applicant will find claims 33 and 34 are clearly rejected. Moreover, Applicant’s argue “there is, furthermore, no clear and unambiguous disclosure within Haumont of determining even within the policy configuration device whether a conflict exists between the attribute values of the traffic flow template and packet classifier.” In response to applicant's argument that the references fail to show certain features of applicant’s invention, it is noted that the features upon which applicant relies (i.e., determining even within the policy configuration device whether a conflict exists between the attribute values of the traffic flow template and packet classifier) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-10 and 18-27 are rejected under 35 U.S.C. 102(e) as being anticipated by McGowan et al. (USPN 6,628,954 B1).

Regarding claim 1, McGowan discloses dealing with a connection context request to establish a connection between a mobile station (MS) and a network gateway element including receiving in the gateway element a connection context request (col. 5, lines 13-19, wherein the subscriber unit initiating a PDP context activation by sending an "activate PDP context" request to SGSN, which will in turn send a "create PDP context" request to GGSN wherein the PDP "create PDP context" request contains the IMSI, MSISDN, APN, and QoS parameters from the subscriber's profile, as well as other parameters necessary to establish the requested PDP context corresponds to dealing with a connection context request to establish a connection between a mobile station (MS) and a network gateway element including receiving in the gateway element a connection context request; col. 5, lines 26-28 wherein the GGSN in the subscriber's home network receiving the "create PDP context" request corresponds to dealing with a connection context request to establish a connection between a mobile station (MS) and a network gateway element including receiving in the gateway element a connection context request), determining in the gateway element whether binding information is required (fig. 3, col. 5, lines 27-31 wherein in response to receipt of the "create PDP context" request, GGSN performs normal procedures for context establishment for the

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subscriber unit, including authentication of the subscriber which corresponds to determining in the gateway element whether binding information is required), determining whether binding information was supplied with the connection context request (fig. 3, col. 5, lines 42-52 wherein the GGSN utilizing the APN of the "create PDP context" request to distinguish requests to utilize services and also to issue a query regarding authorized data services for the subscriber unit wherein the query contains the MSISDN to identify the subscriber and a service key to indicate that data service is desired to verify whether the subscriber has subscribed to data services for approval or denial of access to the requested data service corresponds to determining whether binding information was supplied with the connection context request) and in the event that the binding information is required and was not supplied, responding to the request on the basis of a policy determined by the operator of the network (fig. 3, col. 5, lines 56-61 wherein the GGSN then determines whether or not access to the requested data service is approved and if not, then the GGSN denies data service to subscriber unit corresponds to and in the event that the binding information is required and was not supplied, responding to the request on the basis of a policy determined by the operator of the network).

Regarding claim 2, McGowan discloses supplying a different resource level from that requested in the connection context request in the event the binding information is required and was not supplied (fig. 3; col. 5, lines 60-61 wherein the GGSN determines access is unauthorized, the GGSN then denies data service to the subscriber unit which corresponds to supplying a different resource level from that requested in the

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connection context request in the event the binding information is required and was not supplied).

Regarding claim 3, McGowan discloses activating the connection context (col. 5, line 62, wherein sending “create PDP context” corresponds to activating the connection context), and informing the MS that charging will differ from that associated with the resource level requested (col. 5, lines 62-64 wherein sending a negative “create PDP context” response to the subscriber unit corresponds to informing the MS that charging will differ from that associated with the resource level requested; col. 7, lines 32-42 wherein additional programming to send an notification to subscriber unit so that the subscriber can then take appropriate steps to charge the account by purchasing additional services (e.g., by supplying a credit card number) to retain authorization corresponds to informing the MS that charging will differ from that associated with the resource level requested).

Regarding claim 4, McGowan discloses the resource level is a Quality of Service (QoS) parameter (col. 4, lines 53-55 wherein the resource level is not limited and may also include a specified quality of service or other services corresponds to the resource level as a Quality of Service (QoS) parameter).

Regarding claim 5, McGowan discloses downgrading the QoS (col. 5, lines 59-61 wherein denying provision of data services, i.e. QoS of col. 4, line 54, corresponds to downgrading the QoS; col. 7, lines 30-31, wherein after an amount of time expires denial of data services, i.e. QoS of col. 4, line 54, corresponds to downgrading the QoS).

Regarding claim 6, McGowan discloses informing the MS of the change in QoS (col. 5, lines 62-64 wherein sending a negative “create PDP context” response to the subscriber unit corresponds to informing the MS of the change in QoS; col. 7, lines 36-38 wherein receiving notification so the subscriber can take appropriate steps to regain authentication corresponds informing the MS of the change in QoS).

Regarding claim 7, McGowan discloses reducing the resource level includes the step of rejecting the connection context request (col. 5, lines 60-61 wherein the GGSN denying data service to the subscriber unit corresponds to reducing the resource level includes the step of rejecting the connection context request; col. 7, lines 30-32 wherein denial of data services correspond to reducing the resource level includes the step of rejecting the connection context request).

Regarding claim 8, McGowan discloses the context request as a packet data protocol (PDP) context request (col. 5, lines 13-14).

Regarding claim 9, McGowan discloses the network gateway element as a serving GPRS support node (SGSN) or a gateway GPRS support node (GGSN) (col. 5, lines 26-28).

Regarding claim 10, McGowan discloses providing the network gateway element with access to a list of Access Point Names (APNs) that are IP Multimedia Subsystem related, and determines whether the connection context request refers to an APN on the list (col. 5, lines 33-44 wherein the GGSN does not contain any information identifying individual subscribers, but instead stores information associated with data connection endpoints (e.g., APN). Thus, in order to distinguish between requests for different data

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services, the GGSN can be provisioned with a special APN for data services, i.e. QoS of col. 4, line 54, such as a subscriber may use the APN "www.abc-isp.com" to access an Internet Service Provider (ISP) network. However, if the subscriber wishes to use data services, the APN "www.prepaid-abc-isp.com" may be utilized instead. Thus, GGSN can utilize the APN of the "create PDP context" request to distinguish requests to utilize data services which corresponds to providing the network gateway element with access to a list of Access Point Names (APNs) that are IP Multimedia Subsystem related, and determines whether the connection context request refers to an APN on the list).

Regarding claim 18, McGowan discloses dealing with a connection context request from a mobile station MS, the apparatus including a network gateway element configured to receive a connection context request (col. 5, lines 13-19, wherein the subscriber unit initiating a PDP context activation by sending an "activate PDP context" request to SGSN, which will in turn send a "create PDP context" request to GGSN wherein the PDP "create PDP context" request contains the IMSI, MSISDN, APN, and QoS parameters from the subscriber's profile, as well as other parameters necessary to establish the requested PDP context corresponds to dealing with a connection context request from a mobile station MS, the apparatus including a network gateway element configured to receive a connection context request; col. 5, lines 26-28 wherein the GGSN in the subscriber's home network receiving the "create PDP context" request corresponds to dealing with a connection context request from a mobile station MS, the apparatus including a network gateway element configured to receive a connection

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context request), determine whether binding information is required (col. 5, lines 27-31 wherein in response to receipt of the "create PDP context" request, GGSN performs normal procedures for context establishment for the subscriber unit, including authentication of the subscriber which corresponds to determining whether binding information is required), determine whether binding information was supplied with the connection context request (col. 5, lines 42-52 wherein the GGSN utilizing the APN of the "create PDP context" request to distinguish requests to utilize services and also to issue a query regarding authorized data services for the subscriber unit wherein the query contains the MSISDN to identify the subscriber and a service key to indicate that data service is desired to verify whether the subscriber has subscribed to data services for approval or denial of access to the requested data service corresponds to determining whether binding information was supplied with the connection context request) and in the event that the binding information is required and was not supplied, responding to the request on the basis of a policy determined by the operator of the network (col. 5, lines 56-61 wherein the GGSN then determines whether or not access to the requested data service is approved and if not, then the GGSN denies data service to subscriber unit corresponds to and in the event that the binding information is required and was not supplied, responding to the request on the basis of a policy determined by the operator of the network).

Regarding claim 19, McGowan discloses supplying a different resource level from that requested in the connection context request in the event the binding information is required and was not supplied (col. 5, lines 60-61 wherein the GGSN

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determines access is unauthorized, the GGSN then denies data service to the subscriber unit which corresponds to supplying a different resource level from that requested in the connection context request in the event the binding information is required and was not supplied).

Regarding claim 20, McGowan discloses activating the connection context (col. 5, line 62, wherein sending "create PDP context" corresponds to activating the connection context), and informing the MS that charging will differ from that associated with the resource level requested (col. 5, lines 62-64 wherein sending a negative "create PDP context" response to the subscriber unit corresponds to informing the MS that charging will differ from that associated with the resource level requested; col. 7, lines 32-42 wherein additional programming to send a notification to subscriber unit so that the subscriber can then take appropriate steps to charge the account by purchasing additional services (e.g., by supplying a credit card number) to retain authorization corresponds to informing the MS that charging will differ from that associated with the resource level requested).

Regarding claim 21, McGowan discloses the resource level is a Quality of Service (QoS) parameter (col. 4, lines 53-55 wherein the resource level is not limited and may also include a specified quality of service or other services corresponds to the resource level as a Quality of Service (QoS) parameter).

Regarding claim 22, McGowan discloses downgrading the QoS (col. 5, lines 59-61 wherein denying provision of data services, i.e. QoS of col. 4, line 54, corresponds to downgrading the QoS; col. 7, lines 30-31, wherein after an amount of time expires

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denial of data services, i.e. QoS of col. 4, line 54, corresponds to downgrading the QoS).

Regarding claim 23, McGowan discloses informing the MS of the change in QoS (col. 5, lines 62-64 wherein sending a negative "create PDP context" response to the subscriber unit corresponds to informing the MS of the change in QoS; col. 7, lines 36-38 wherein receiving notification so the subscriber can take appropriate steps to regain authentication corresponds informing the MS of the change in QoS).

Regarding claim 24, McGowan discloses reducing the resource level includes the step of rejecting the connection context request (col. 5, lines 60-61 wherein the GGSN denying data service to the subscriber unit corresponds to reducing the resource level includes the step of rejecting the connection context request; col. 7, lines 30-32 wherein denial of data services correspond to reducing the resource level includes the step of rejecting the connection context request).

Regarding claim 25, McGowan discloses the context request as a packet data protocol (PDP) context request (col. 5, lines 13-14).

Regarding claim 26, McGowan discloses the network gateway element as a serving GPRS support node (SGSN) or a gateway GPRS support node (GGSN) (col. 5, lines 26-28).

Regarding claim 27, McGowan discloses providing the network gateway element with access to a list of Access Point Names (APNs) that are IP Multimedia Subsystem related, and determines whether the connection context request refers to an APN on the list (col. 5, lines 33-44 wherein the GGSN does not contain any information identifying

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individual subscribers, but instead stores information associated with data connection endpoints (e.g., APN). Thus, in order to distinguish between requests for different data services, the GGSN can be provisioned with a special APN for data services, i.e. QoS of col. 4, line 54, such as a subscriber may use the APN "www.abc-isp.com" to access an Internet Service Provider (ISP) network. However, if the subscriber wishes to use data services, the APN "www.prepaid-abc-isp.com" may be utilized instead. Thus, GGSN can utilize the APN of the "create PDP context" request to distinguish requests to utilize data services which corresponds to providing the network gateway element with access to a list of Access Point Names (APNs) that are IP Multimedia Subsystem related, and determines whether the connection context request refers to an APN on the list).

3. Claims 11-17 and 28-34 are rejected under 35 U.S.C. 102(e) as being anticipated by Haumont (US 2004/0153551 A1).

Regarding claim 11, Haumont discloses dealing with a connection context request to establish a connection between a mobile station (MS) and a network gateway element, receiving in the network gateway element a connection context request, the connection context request including binding information and traffic flow parameters, the traffic flow parameters being indicative of intended packet filtering (§0003, §0007 wherein the SGSN sends a Create PDP Context Request message comprising PDP Type, PDP Address, APN and QoS negotiated to the affected GGSN wherein the QoS mechanism uses a set of filters called Traffic Flow Template (TFT) which corresponds to dealing with a connection context request to establish a connection between a mobile

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station (MS) and a network gateway element, receiving in the network gateway element a connection context request, the connection context request including binding information and traffic flow parameters, the traffic flow parameters being indicative of intended packet filtering), sending an authorization request from the network gateway element to a network policy control element (¶0023, wherein the configuration device, i.e. policy control element obtains, for each initiated application, type of service information of a network node hosting the application, such as an operator application server, media gateway, H323 gatekeeper), receiving, in the network gateway element, a packet classifier from the policy control element in response to the authorization request, the packet classifier being intended for use by the gateway element (¶0023 wherein the configuration device provides the configuration information to the subscriber equipment. This information is derived from the obtained type of service information and possibly from the operator policy. This information includes QoS parameter defining QoS flow (e.g. GPRS QoS profile), filters for uplink and downlink (e.g. TFT), and parameters to be used by the application (ToS or port number) which corresponds to receiving, in the network gateway element, a packet classifier from the policy control element in response to the authorization request, the packet classifier being intended for use by the gateway element), determining whether a conflict exists between attribute values of the traffic flow parameters and attribute values of the packet classifier (¶0026 wherein if the configuration device cannot configure the parameters set by the application directly (e.g. the application is not implementing dynamic configuration), the configuration device may further obtain settings, such as Type of Service (ToS)

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information (i.e. DiffServ codepoints), of the application(s) in the subscriber equipment and provide to the subscriber equipment the configuration information. This configuration information is preferably filters based on the type of service information and appropriate QoS parameters which corresponds to determining whether a conflict exists between attribute values of the traffic flow parameters and attribute values of the packet classifier), and in the event that there is a conflict, informing the MS (¶0027 wherein in order to properly configure the Gateway (e.g. GGSN), the subscriber equipment may need to know the mapping for downlink. This set of filters (e.g. TFT) is first sent from the configuration device to the subscriber equipment corresponds to informing the MS in the event that there is a conflict).

Regarding claim 12, Haumont discloses rejecting the connection context (¶0057 wherein if no suitable PDP context exist, a PDP context activation will be sent in the PDP contest where after a certain time the PDP context can be deleted corresponds to rejecting the connection context).

Regarding claim 13, Haumont discloses determining suitable traffic flow parameter values and informing the MS of those values, in the event the conflict exists (¶0027 wherein in order to properly configure the Gateway (e.g. GGSN), the subscriber equipment may need to know the mapping for downlink. This set of filters (e.g. TFT) is first sent from the configuration device to the subscriber equipment corresponds to determining suitable traffic flow parameter values and informing the MS of those values, in the event the conflict exists).

Regarding claim 14, Haumont discloses determining revised traffic flow parameter values to overcome the conflict, accepting the connection context and informing the MS of the revised traffic flow parameters (¶0048 wherein the policy server authorizes the PDP context, sends a COPS decision to the GGSN and further send configuration information directly to the MS using COPS-push which contains a list of filters, and associated with every filter Diffserv marking, UMTS QoS profile, TFT, APN, an application server IP address to be used by different applications which corresponds to determining revised traffic flow parameter values to overcome the conflict, accepting the connection context and informing the MS of the revised traffic flow parameters).

Regarding claim 15, Haumont discloses the MS being informed via a protocol configuration option message (¶0055, wherein the MS using the configuration information received in communication 7 in FIG. 3 to configure the application wherein the application properly marks the IP packet based on the marking information sent in the COPS-push message corresponds to the MS being informed via a protocol configuration option message).

Regarding claim 16, Haumont discloses the context request as a packet data protocol (PDP) context request (see in particular ¶0048 the pdp context request).

Regarding claim 17, Haumont discloses the network gateway element as a serving GPRS support node (SGSN) or a gateway GPRS support node (GGSN) (see in particular ¶0048 the gateway GPRS support node GGSN).

Regarding claim 28, Haumont discloses dealing with a connection context request from a mobile station (MS), the apparatus including a network gateway element

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configured to: (a) receive a connection context request, the connection context request including binding information and traffic flow parameters, the traffic flow parameters being indicative of intended packet filtering (§§0003, §§0007 wherein the SGSN sends a Create PDP Context Request message comprising PDP Type, PDP Address, APN and QoS negotiated to the affected GGSN wherein the QoS mechanism uses a set of filters called Traffic Flow Template (TFT) which corresponds to dealing with a connection context request from a mobile station (MS), the apparatus including a network gateway element configured to: (a) receive a connection context request, the connection context request including binding information and traffic flow parameters, the traffic flow parameters being indicative of intended packet filtering), sending an authorization request from the network gateway element to a network policy control element (§§0023, wherein the configuration device, i.e. policy control element obtains, for each initiated application, type of service information of a network node hosting the application, such as an operator application server, media gateway, H323 gatekeeper), receiving a packet classifier from the policy control element in response to the authorization request, the packet classifier being intended for use by the gateway element (§§0023 wherein the configuration device provides the configuration information to the subscriber equipment. This information is derived from the obtained type of service information and possibly from the operator policy. This information includes QoS parameter defining QoS flow (e.g. GPRS QoS profile), filters for uplink and downlink (e.g. TFT), and parameters to be used by the application (ToS or port number) which corresponds receiving a packet classifier from the policy control element in response to the

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authorization request, the packet classifier being intended for use by the gateway element), determining whether a conflict exists between attribute values of the traffic flow parameters and attribute values of the packet classifier (§0026 wherein if the configuration device cannot configure the parameters set by the application directly (e.g. the application is not implementing dynamic configuration), the configuration device may further obtain settings, such as Type of Service (ToS) information (i.e. DiffServ codepoints), of the application(s) in the subscriber equipment and provide to the subscriber equipment the configuration information. This configuration information is preferably filters based on the type of service information and appropriate QoS parameters which corresponds to determining whether a conflict exists between attribute values of the traffic flow parameters and attribute values of the packet classifier), and in the event that there is a conflict, informing the MS (§0027 wherein in order to properly configure the Gateway (e.g. GGSN), the subscriber equipment may need to know the mapping for downlink. This set of filters (e.g. TFT) is first sent from the configuration device to the subscriber equipment corresponds to informing the MS in the event that there is a conflict).

Regarding claim 29, Haumont discloses rejecting the connection context (§0057 wherein if no suitable PDP context exist, a PDP context activation will be sent in the PDP contest where after a certain time the PDP context can be deleted corresponds to rejecting the connection context).

Regarding claim 30, Haumont discloses determining suitable traffic flow parameter values and informing the MS of those values (§0027 wherein in order to

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properly configure the Gateway (e.g. GGSN), the subscriber equipment may need to know the mapping for downlink. This set of filters (e.g. TFT) is first sent from the configuration device to the subscriber equipment corresponds to determining suitable traffic flow parameter values and informing the MS of those values).

Regarding claim 31, Haumont discloses determining revised traffic flow parameter values to overcome the conflict, accepting the connection context and informing the MS of the revised traffic flow parameters (§0048 wherein the policy server authorizes the PDP context, sends a COPS decision to the GGSN and further send configuration information directly to the MS using COPS-push which contains a list of filters, and associated with every filter Diffserv marking, UMTS QoS profile, TFT, APN, an application server IP address to be used by different applications which corresponds to determining revised traffic flow parameter values to overcome the conflict, accepting the connection context and informing the MS of the revised traffic flow parameters).

Regarding claim 32, Haumont discloses the MS being informed via a protocol configuration option message (§0055, wherein the MS using the configuration information received in communication 7 in FIG. 3 to configure the application wherein the application properly marks the IP packet based on the marking information sent in the COPS-push message corresponds to the MS being informed via a protocol configuration option message).

Regarding claim 33, Haumont discloses the context request as a packet data protocol (PDP) context request (see in particular §0048 the pdp context request).

Regarding claim 34, Haumont discloses the network gateway element as a serving GPRS support node (SGSN) or a gateway GPRS support node (GGSN) (see in particular ¶0048 the gateway GPRS support node GGSN).

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Ahvonen; Kati et al. (US 7209458 B2), Chen; Xiaobao (US 20070258399 A1), Hurtta, Tuija (US 20030128701 A1), Oyama; Johnson et al. (US 7106718 B2), Shieh, Hugh H. (US 20020184510 A1), Takeda; Yukiko et al. (US 6973076 B2), Tamura (US 20030186692 A1) and Widegren, Ina B. et al. (US 20020062379 A1).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MAXWELL A. CLARK whose telephone number is (571)

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270-1956. The examiner can normally be reached on Monday to Thursday 7:30A.M. through 5:00P.M. Eastern Standard Time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yao B. Kwang can be reached on (571) 272-3182. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

December 22, 2008

/Maxwell A. Clark/
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